

# SECTION 46. (5) and (13)

Mr. Rama Vurma withdrew his amendment under this section, viz. that clauses (5) and (13) be omitted.

## SECTION 51.

Mr. Thanu Pillai:—I beg to move that the following clause be added as clause (4):—‘In cases referred to in clauses (2) and (3), the Superintendent shall, if there is a difference of opinion between himself and the Medical Officer or Subordinate, refer the same for the orders of the superior authority.’ In view of possible differences of opinion that may exist between a Superintendent and a Medical officer this amendment provides a safeguard which is necessary especially in mofussil prisons where the Medical Officers may not always be of sufficient status.

Seconded by Mr. Muthunayagom Pillai.

Carried.

## SECTION 59. (11)

Mr. Thanu Pillai:—I have to propose a mere verbal alteration:—that the words “and the” be inserted before “guidance” and the word “appointed” between the words “all officers” and “under this Regulation.”

Seconded by Mr. Bensley.

Carried.

## SECTION 61.

Mr. Thanu Pillai:—The Bill as it now stands has been considered defective in that it omits to provide for the exercise of the Superintendent's authority or powers when no Superintendent is appointed in jails other than the Central Prison. Section 6, it will be noted, is only permissive and section 61 provides only for the absence from duty of an officer *already appointed*, while, in section 8 and throughout the Bill, the existence of a Superintendent for every jail appears to be assumed.

In view to remove this defect I would propose that the words ‘in his absence’ in the 2nd line be omitted.

Seconded by Mr. Prince.

Carried.

Mr. Thanu Pillai then moved that the Bill, as amended, be passed.

The motion was put and agreed to.

## THE GAMBLING BILL.

Mr. Bensley presented the Select Committee's Report and moved that the Report together with the Bill as amended by them be taken into consideration.

Seconded by Mr. Thanu Pillai.

## SECTION 3.

Mr. Rama Vurma moved that the words ‘knowing that it is to be utilised’ be inserted between the words ‘money’ and ‘for’ in the tenth line.

President:—The meaning is, I think, quite clear without this addition. There is the phrase ‘for the purpose’ going with ‘advances or furnishes money’.

Amendment withdrawn.

## SECTION 4.

Mr. Rama Vurma moved that the whole line after the word ‘gaming’ in line 3 be omitted.

He said:—How are we to prove that the person was there *for the purpose of gaming*. The Select Committee say:—‘Idle curiosity may take many a person to such a place.’

Mr. Bensley :—What the Select Committee have done is to omit the last sentence of section 3 of the original Bill which related merely to the presumption from mere presence in a gaming house. They observe :—‘The mere presence in a gaming house, during a game, should not *per se* raise the presumption that the person present was there for the purpose of gaming.’ \* \* \* We think that the omission of this sentence will not prevent a Court from drawing any inference it deems proper from the presence of the person in a gaming house and *other circumstances* pointing to the conclusion that he was there for the purpose of gaming.’

Amendment withdrawn.

#### SECTION 6.

Mr. Rama Vurma :—I propose that the words between “or” in the 7th line and “entitled” in the 9th line be omitted. I am against any such concession. Even persons concerned in offences under the Regulation may be considered ‘entitled.’

Mr. Prince :—The provision in the Bill aims at the protection of the innocent. Cases are easily conceivable where the discretionary power under the section will have to be exercised in view of peculiar circumstances of hardship.

Amendment withdrawn.

#### SECTION 10.

Mr. Thanu Pillai moved that the words “used in playing” in the 3rd line be omitted.

He said :—As it stands the expression ‘used in playing &c.’ seems merely to qualify and restrict the character of the instruments used. What is really intended is, no doubt, the extension of the benefit of section 9 to games falling under section 10. The small change I have now proposed renders this intention free from doubt.

Seconded by Mr. Bensley.

Carried.

#### SECTION 11.

Mr. Thanu Pillai :—I have to move another small amendment, which is purely verbal—that the words “not exceed his powers” be substituted for the words “be restrained within the limits of his jurisdiction.”

Seconded by Mr. Bensley.

Carried.

#### SECTION 15.

Mr. Rama Vurma moved that the words “open to the general public” be inserted between the words “place” and “in” in the 2nd line.

After some discussion the amendment was withdrawn.

It was then resolved that the Bill be read again on a future day of which notice shall be given.

### THE IRRIGATION BILL.

Mr. Thanu Pillai :—I beg to present the Select Committee’s report on the Irrigation Bill but I would move that the consideration of the same and the Bill as amended by them be deferred till the next ordinary meeting. The measure is a novel and important one and it has not been before the public sufficiently long.

Mr. Prince seconded the motion.

Carried.